

1 THE HONORABLE RONALD B. LEIGHTON  
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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 PRESIDIO GROUP, LLC., et. al.,

9 Plaintiff,

10 vs.

11 GMAC MORTGAGE, LLC. et. al.,

12 Defendant.

13 Case No.: 08-5298 RBL

14 ORDER

15 Pending before the Court is Defendants' Motion for a More Definite Statement and  
16 Motion to Revise the Scheduling Order. (Dkt. #36).

17 I. Procedural Background

18 On June 27th, this Court ordered Plaintiff to revise his 465-page Complaint (Dkt. #26) in  
19 response to Defendants' Motion for a More Definite Statement. (Dkts. #19, 20, 21). On July  
20 8th, Plaintiff filed a second Amended Complaint—newly reduced to 192 pages. (Dkt. #27).  
21 Defendants argue that this reduction is insufficient and have renewed their request for a more  
22 definite statement.

23 II. Discussion

24 Federal Rule 12(e) entitles a party to a more definite statement when a pleading is “so  
25 vague or ambiguous that the party cannot reasonably prepare a response.” Fed. R. Civ. P. 12(e).  
26 The motion requesting a more definite statement must identify defects and specify the details  
27 desired. *Id.* The Advisory Committee Notes state that the definiteness required of a pleading is  
28 “only such as will be sufficient for the party to prepare responsive pleadings.” Fed. R. Civ. P.  
12(e), 1946 advisory committee’s note. Motions for more definite statement are generally

1 disfavored. *United States v. Sequel Contractors, Inc.*, 402 F.Supp. 2d 1142, 1147 (C.D. Cal.  
2 2005), quoting *Cellars v. Pac. Coast Packaging, Inc.*, 189 F.R.D. 575, 578 (N.D.Cal.1999).  
3 Other district courts have noted that “Rule 12(e) motions attack the intelligibility of the  
4 complaint, not the lack of detail, and are properly denied where the complaint notifies the  
5 defendant of the substance of the claims asserted. *Sequel Contractors, Inc.*, 402 F.Supp. 2d at  
6 1147, quoting *Beery v. Hitachi Home Elecs., Inc.*, 157 F.R.D. 477, 480 (C.D.Cal.1993). Thus,  
7 the Court asks here whether the Complaint is intelligible enough to allow the Defendants to  
8 reasonably prepare a response.

9 The Defendants argue that the Amended Complaint “contains much repetition and  
10 unneeded detail” and that it is “difficult to understand and unreasonably costly . . . to formulate a  
11 response.” Def.’s Mot. for a More Definite Statement, 2; (Dkt. #36). In response, Plaintiff  
12 argues that he has significantly reduced the total length of his Complaint and that each RICO  
13 claim requires “a separate and distinct pleading format.” Pl.’s Resp., 2; (Dkt. #37). Thus, the  
14 length is a necessary result of the alternative pleading format endorsed by Federal Rule 8(d)(2).<sup>1</sup>  
15 Furthermore, Plaintiff has placed each of his 41 claims for relief at the start of a new page and  
16 used size 14 font because it is “much easier on the eye.” *Id.* at 3.

17 Despite its flaws, the Complaint adequately describes the facts and claims such that the  
18 Defendants can form a response. While the previous Complaint drowned in its own detail and  
19 repetition, the Court believes that Defendants’ counsel can now review the 30-40 pages of facts  
20 and identify those causes of action relevant to their respective clients.<sup>2</sup>

21 Due to the delays associated with these motions, the Court grants the Defendants’ motion  
22 to revise the scheduling order. The parties must hold their Federal Rule 26(f) discovery  
23 conference on or before September 5, 2008, initial disclosures are due on or before September  
24 12, 2008, and a Joint Status Report is due on or before September 26, 2008.

### 25 III. Conclusion

26 Defendants’ Motion for a More Definite Statement is **DENIED**. Defendants’ Motion to

27 <sup>1</sup> Plaintiff cites Federal Rule 8(e)(2) for this proposition. Plaintiff is advised that, due to the general re-styling of the  
28 Federal Rules, effective December 1, 2007, Federal Rule 8(e)(2) no longer exists.

<sup>2</sup> In the future, pleadings and motions should cite 18 U.S.C. 1962(c) and not 18 U.S.C. 1962©. American rather  
than English spellings (e.g., “honorable” and not, “honourable”) are preferred. *See* Compl., 1.

1 Revise the Scheduling Order is **GRANTED**.

2 **IT IS SO ORDERED.**

3 Dated this 25<sup>th</sup> day of August, 2008.

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7 Ronald B. Leighton  
8 RONALD B. LEIGHTON  
9 UNITED STATES DISTRICT JUDGE  
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